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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/764,835
Filing Date: January 26, 2004
Appellant(s): NGUYEN, JULIEN T.

Jonathan Small

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 19 Dec. 2007 appealing from the Office action mailed 12 Apr. 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,484,196 B1	Maurille	3-1998
6,064,383	Skelly	10-1996
5,880,731	Liles	12-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 61, 62, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (Patent No.: 6,484,196 B1; Filing Date: Mar. 20, 1998) in view of Skelly (Patent No.: 6,064,383; Filing Date: Oct. 4, 1996).

In regard to independent claim 61, Maurille discloses *a method, comprising the steps of:*

receiving a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions (col. 2, lines 23-45; Maurille discloses Instant Messaging systems allow users to communicate privately in real time over a network connections. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conversation. It has been established and is well known in the art that communications is established among users within Instant Messaging system and Chat system by the system *receiving a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions.*).

Maurille does not disclose *detecting whether a mnemonic name is present in said sequences of keystrokes, mouse actions, or keystrokes and mouse actions, said mnemonic name being associated with one of a set of multimedia objects;*

when said mnemonic name is detected in said set of sequences, replacing said mnemonic name with said multimedia object in said set of sequences;

wherein said set of multimedia objects are associated with an ensemble, said ensemble having a set of ensemble properties.

However, Skelly teaches *detecting whether a mnemonic name is present in said sequences of keystrokes, mouse actions, or keystrokes and mouse actions, said mnemonic name being associated with one of a set of multimedia objects* (col. 1, line 43-65; Skelly teaches the system searches the input text for emoticons, which are a series of characters that represent emotions. Skelly further teaches the system searches the input text to identify acronyms that may provide clues for the desired appearance for the character.).

when said mnemonic name is detected in said set of sequences, replacing said mnemonic name with said multimedia object in said set of sequences (col. 1, line 53-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Upon finding an emotion or acronym, the system generates the appearance of the emotion for the character or the acronym for display. It has been established and it well known in the art that in displaying the emotions, along with associated gestures and expressions, and acronyms the system substitutes the appropriate emoticon for the input text.).

wherein said set of multimedia objects are associated with an ensemble, said ensemble having a set of ensemble properties (col. 1, line 53-54; col. 2, line 34-65; Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying

emoticons during instant messaging and chat room conversations.

In regard to dependent claim 62, Maurille does not expressly disclose *a method as in claim 61, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set.*

However, Skelly teaches *a method as in claim 61, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set* (col. 1, line 53-65; col. 2, line 34-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conversations.

In regard to dependent claim 71, Maurille does not expressly disclose *a system as in claim 70, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set.*

However, Skelly teaches *a method as in claim 61, wherein said ensemble properties are effective to select among a set of alternative multimedia objects for each multimedia object in said set* (col. 1, line 53-65; col. 2, line 34-65; Skelly teaches the

maintains a list of emotions, along with associated gestures and expressions, and acronyms. Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conversations.

3. Claims 63-70, and 72-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (Patent No.: 6,484,196 B1; Filing Date: Mar. 20, 1998) in view of Skelly (Patent No.: 6,064,383; Filing Date: Oct. 4, 1996) further in view of Liles et al. (Pat No.: 5,880,731; Filing Date Dec. 14, 1995) (hereinafter 'Liles').

In regard to dependent claim 63, Maurille in view of Skelly does not expressly disclose *a method as in claim 61, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme.*

However, Liles teaches *a method as in claim 61, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme* (col. 1, lines 52-54; Liles teaches in a graphical chat

session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 64, Maurille in view of Skelly does not expressly disclose *a method as in claim 61, wherein said ensemble properties are editable in response to a set of editing abbreviations.*

However, Liles teaches *a method as in claim 61, wherein said ensemble properties are editable in response to a set of editing abbreviations* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 65, Maurille in view of Skelly disclose *a method as in claim 64, wherein each said editing abbreviation comprises a relatively short sequence of keystrokes or mouse actions* (col. 1, line 59-65; Skelly teaches upon finding LOL in the text, the system concludes that the character should be laughing and generates a laughing appearance for the character.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conversations.

In regard to dependent claim 66, Maurille *discloses a method as in claim 61, further comprising the steps of: communicating at least one of said ensemble properties to a recipient with an electronic chat message or an electronic mail message* (col. 2, lines 23-45; Maurille discloses Instant Messaging systems allow users to communicate privately in real time over a network connections. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conversation.).

Maurille in view of Skelly does not expressly *presenting said multimedia object to said recipient in accordance with said at least one of said ensemble properties.*

However, Liles teaches *presenting said multimedia object to said recipient in accordance with said at least one of said ensemble properties* (col. 1, lines 52-57; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world. Liles further discloses a graphic window showing the chat world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 67, Maurille does not disclose *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties.*

However, Liles teaches *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the

capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 68, Maurille does not disclose *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to an action by said recipient, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties.*

However, Liles teaches *a method as in claim 66, further comprising the step of conditionally overriding at least one of said ensemble properties in response to an action by said recipient, whereby said multimedia object is presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 69, Maurille in view of Skelly does not disclose *a method as in claim 68, wherein said action includes time taken by said recipient to review the multimedia object.*

However, Liles teaches *a method as in claim 68, wherein said action includes time taken by said recipient to review the multimedia object* (col. 7, lines 18-21; Liles teaches a preview box for previewing the selected avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to independent claim 70, Maurille does not disclose *a method system, comprising:*

a database having a set of mnemonic names, each associated with at least one corresponding multimedia object (col. 1, line 53-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms.).

an input device for a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions (col. 1, line 43-65; Skelly teaches the system searches the input text for emoticons, which are a series of characters that represent emotions. Skelly further teaches the system searches the input text to identify acronyms that may provide clues for the desired appearance for the character.).

a detector capable of detecting at least one of said mnemonic names in said set of sequences and of replacing said mnemonic name with at least one corresponding multimedia object in said set of sequences (col. 1, line 53-65; Skelly teaches the maintains a list of emotions, along with associated gestures and expressions, and acronyms. Upon finding an emotion or acronym, the system generates the appearance of the emotion for the character or the acronym for display. It has been established and it well known in the art that in displaying the emotions, along with associated gestures and expressions, and acronyms the system substitutes the appropriate emoticon for the input text.).

an associating mechanism capable of associating an ensemble with a set of said multimedia objects, said ensemble having a set of ensemble properties (col. 1, line 53-54; col. 2, line 34-65; Skelly teaches a user interface element presents a user with a selection of possible emotions and intensities of emotions for a character that is assigned to the user.).

Maurille in view of Skelly does not disclose *wherein each said multimedia object has a set of editable properties*.

However, Liles teaches *wherein each said multimedia object has a set of editable properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 72, Maurille in view of Skelly does not expressly *a system as in claim 70, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme.*

However, Liles teaches *a system as in claim 70, wherein said ensemble properties include a theme, said theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia objects associated with said theme* (col. 1, lines 52-54; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 73, Maurille in view of Skelly does not expressly disclose *a system as in claim 70, wherein said ensemble properties are editable in response to a set of editing abbreviations.*

However, Liles teaches *a system as in claim 70, wherein said ensemble properties are editable in response to a set of editing abbreviations* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 74, Maurille in view of Skelly disclose *a system as in claim 73, wherein each said editing abbreviation comprises a relatively short sequence of keystrokes or mouse actions* (col. 1, line 59-65; Skelly teaches upon finding LOL in the text, the system concludes that the character should be laughing and generates a laughing appearance for the character.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conversations.

In regard to dependent claim 75, Maurille discloses a *system as in claim 70, further comprising:*

a communicating mechanism capable of sending at least one of said ensemble properties to a recipient with an electronic chat message or an electronic mail message (col. 2, lines 23-45; Maurille discloses Instant Messaging systems allow users to communicate privately in real time over a network connections. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conversation.).

Maurille in view of Skelly does not expressly *a presentation mechanism capable of presenting said multimedia objects to said recipient in accordance with said at least one of said ensemble properties.*

However, Liles teaches *a presentation mechanism capable of presenting said multimedia objects to said recipient in accordance with said at least one of said ensemble properties* (col. 1, lines 52-57; Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world. Liles further discloses a graphic window showing the chat world.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 76, Maurille in view of Skelly does not expressly a *system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties.*

However, Liles teaches a *system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties* (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefine number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 77, Maurille in view of Skelly does not expressly a *system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to an action by said*

recipient, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties.

However, Liles teaches a system as in claim 75, further comprising a mechanism capable of conditionally overriding at least one of said ensemble properties in response to a capability of said recipient's presentation device, whereby said multimedia objects are presented to said recipient in accordance with a different at least one of said ensemble properties (col. 7, lines 43-65; Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

In regard to dependent claim 78, Maurille in view of Skelly does not expressly a system as in claim 77, wherein said action comprises time taken by said recipient to review the multimedia objects.

However, Liles teaches a system as in claim 77, wherein said action comprises time taken by said recipient to review the multimedia objects (col. 7, lines 18-21; Liles teaches a preview box for previewing the selected avatar.).

Therefore it would have been obvious to a person of ordinary skill in the art to combine Maurille in view of Skelly with Liles for the benefit of allowing the user the capability to select a particular theme, depending on the subject matter of the chat session (col. 6, lines 20-34).

Note

4. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

(10) Response to Argument

A. Claims 61, 62, and 71: 35 U.S.C. 103(a) under Maurille and Skelly

i. The combination of Maurille and Skelly fails to teach "replacing said mnemonic name with said multimedia object in said set of sequences"

Appellant argues *Skelly fails to teach "replacing said mnemonic name with said multimedia object in said set of sequences". It then will follow that the combination of Maurille and Skelly cannot teach each and every limitation found in claims 61, 62, and 71, and thus no prima facie case of obviousness has been made as to those claims* (page 12-13).

The Examiner disagrees.

Skelly teaches the system maintains a list of emotions, along with associated gestures and expressions, and acronyms. Upon finding an emotion or acronym in the text, the system generates the appearance of the emotion for the character or the acronym for display. Skelly further teaches when the system find multiple indicators of gestures and expression, the system attempts to draw each of the found gestures and expressions. The system automatically selects gestures and expressions for a character based on the input text. It has been established and it well known in the art that in displaying the emotions, along with associated gestures and expressions, and acronyms the system substitutes the appropriate emoticon for the input text. The emoticons provide an alternate to text abbreviations/ mnemonic that may be confusing

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to the user. Appellant's assertion that Skelly teaching does not teach replacing said mnemonic name with said multimedia object infers that once the system encounters an emotion or acronym in the text, the system would generate the emoticon without replacing the text, which would be somewhat redundant, for example :-) ☺. As it has been established and well known in the art, once the system encounters an emotion or acronym in the text, the system generates the appropriate emoticon, which replaces the corresponding text within the set of keystroke sequences (col. 1, line 53-65).

Maurille discloses an Instant Messaging systems allow users to communicate privately in real time over a network connection. Maurille further disclose Chat systems allow a group of users to enter a chat room and engage in a group conversation. It has been established and is well known in the art that communications is established among users within Instant Messaging system and Chat system by the system receiving a set of sequences of keystrokes, mouse actions, or keystrokes and mouse actions (col. 2, lines 23-45).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Maurille with Skelly for the benefit of displaying emoticons during instant messaging and chat room conversations. Therefore the combination of Maurille and Skelly teaches each and every limitation found in claims 61, 62, and 71, thus making a prima facie case of obviousness has been made to those claims.

B. Claims 63-70 and 72-78: 35 U.S.C. 103(a) under Maurille, Skelly, Liles

i. The combination of Maurille and Skelly fails to teach "replacing said mnemonic name with said multimedia object in said set of sequences"

Appellant argues *"there is nothing in Liles which teaches or suggests detecting a portion of a sequence of characters and replacing that detected portion with a multimedia object in the sequence of characters"* (page 16-17).

Without acquiescing Appellant's argument, which the Examiner does not, in response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.1986).

Appellant argues *claims 63-69 depend either directly or indirectly from claim 61, and therefore contain all of the limitations of claim 61. Thus, claims 63-69 must be patentably distinct from the cited references for at least the reasons that claim 61 are distinct therefrom. Similarly, claim 70 contains the limitation "a detector capable of detecting at least one of said mnemonic names in said set of sequences and of replacing said mnemonic name with at least one corresponding multimedia object in said set of sequences". Claims 72-78 depend either directly or indirectly from claim 70, and therefore contain all of the limitations of claim 70. Thus, claims 72-78 must be*

patentably distinct from the cited references for at least the reasons that claim 70 are distinct therefrom (pages 17-18).

Due to the similarities and dependency as stated above by Appellant, The Examiner disagrees based on the same rationale as given above.

ii. The combination of Maurille, Skelly, and Liles fails to teach a "theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia object associated with said theme" (claims 63 and 72)

Appellant argues Liles does not teach an ensemble of multimedia object associated with an avatar such that an object is selected from that ensemble based on a theme. That is, Liles does not teach a "theme being effective to select, for each multimedia object in said ensemble, one multimedia object from a set of multimedia object associated with said theme" (page 19).

The Examiner disagrees.

Liles teaches in a graphical chat session, all of the participants are represented by avatars or icons are grouped in a graphic environment or world. Liles further teaches a character selection dialog box that enables the user to select the avatar will represent the user in an online chat conversation. The Character selection box includes folders which are displayed. Folders entitled "Fishbowl" includes avatars associated with the fishbowl subject, including Blue Fish, a Red fish, a Toad, etc. Folders entitled "Common"

includes additional avatars, e.g. a Happy Man, a Starlet, a Boy child, etc,. Other avatars can be selected by scrolling through the dialog box to display additional folders containing different groups of avatars (col. 1, lines 52-54; col. 6, lines 50-67). Thus Liles teaches an ensemble of multimedia object associated with an avatar such that an object is selected from that ensemble based on a theme.

iii. The combination of Maurille, Skelly, and Liles fails to teach ensemble properties editable in response to a set of "editing abbreviations" (claims 64, 65, 73 and 74)

Appellant argues *the combination of Maurille, Skelly, and Liles fails to teach ensemble properties editable in response to a set of "editing abbreviations" (page 20).*

The Examiner disagrees.

Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar. Liles further teach predefined gestures that are controlled by a script defined by the designer of the graphic chat session room. The designer specifies all of the animation scripts that define the gestures that will be supported in that room. Using the broadest reasonable interpretation the Examiner concludes modifying the expressions/gestures on the avatar

to include editing abbreviations, which also controls expressions of the avatar (col. 7, line 43-col 8, line 3).

iv. The combination of Maurille, Skelly, and Liles fails to teach presenting a multimedia object as a function of the nature of a recipient's device (claims 67 and 76)

Appellant argues *the combination of Maurille, Skelly, and Liles fails to teach presenting a multimedia object as a function of the nature of a recipient's device* (page 21).

The Examiner disagrees.

Liles teaches each avatar presented for selection in character selection dialog box corresponds to a different bitmap file. Each bitmap file contains a predefined number of frames in which the user is free to customize by opening the bitmap file within a paint program and modifying the expressions/gestures on the avatar. Liles also teaches if a participant in a chat session has not downloaded the customized bitmap file of the user when the user joins the chat session, the participant will see an amorphous ghost-like image that represent the user. Thus Liles teaches presenting a multimedia object as a function of the nature of a recipient's device. Liles further teaches software that enables participants to select avatars to participate in the chat session by either downloading from the service or CD-ROM, causing a selection box to be displayed on the monitor. (col. 6, lines 34-49; col. 7, lines 43-65; col. 8, line 56 – col. 9, line 15).

v. The combination of Maurille, Skelly, and Liles fails to teach making a decision regarding the replacement of a portion of text with a multimedia object based on the "time taken by said recipient to review the multimedia object" (claims 69 and 78)

Appellant argues *the combination of Maurille, Skelly, and Liles fails to teach making a decision regarding the replacement of a portion of text with a multimedia object based on the "time taken by said recipient to review the multimedia object"* (page 22).

The Examiner disagrees.

Liles teaches a preview box for previewing the selected avatar. Liles further teaches a "time cue", which is a time interval which specifies the time a specific avatar frame of the frames in the avatar bitmap file should be displayed. The Examiner concludes the "time cue" function is analogous with "time taken by said recipient to review the multimedia object" as they both specify/determine the amount of time the multimedia object is displayed to the user (col. 7, lines 18-21; col. 8, lines 11-42).

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/JAMES DEBROW/

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